

EXHIBIT 6

MONROE COUNTY CLERK'S OFFICE

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Index #: E2020003156

Date:

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Return To:
AARON H. MARKS
601 Lexington Avenue
NEW YORK, NY 10022

Posadas de Puerto Rico Associates, L.L.C.

Condado Plaza Acquisition, LLC
Condado Plaza Acquisition Lagoon, LLC
Condado Acquisition Plaza Ocean, LLC

Total Fees Paid: \$0.00

Employee:

State of New York

MONROE COUNTY CLERK'S OFFICE
WARNING – THIS SHEET CONSTITUTES THE CLERKS
ENDORSEMENT, REQUIRED BY SECTION 317-a(5) &
SECTION 319 OF THE REAL PROPERTY LAW OF THE
STATE OF NEW YORK. DO NOT DETACH OR REMOVE.

JAMIE ROMEO

MONROE COUNTY CLERK



**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF MONROE: COMMERCIAL DIVISION**

POSADAS DE PUERTO RICO
ASSOCIATES, L.L.C.,

Plaintiff,

-against-

CONDADO PLAZA ACQUISITION, LLC;
CONDADO PLAZA ACQUISITION
LAGOON, LLC; CONDADO PLAZA
ACQUISITION OCEAN, LLC,

Defendants.

Index No. E2020003156

Justice: J. Scott Odorisi, J.S.C.

AFFIRMATION OF AARON MARKS

I, **AARON MARKS**, an attorney-at-law duly admitted to practice before the courts of the State of New York and not a party to this action, hereby affirm the following under penalty of perjury pursuant to CPLR 2106:

1. I am a partner of the law firm Kirkland & Ellis LLP, counsel for Plaintiff Posadas de Puerto Rico Associates, L.L.C. ("Plaintiff"), and an attorney in good standing to practice in the courts of New York.

2. I submit this affirmation to place before the Court certain documents that are relevant to Plaintiff's Memorandum of Law in Opposition to Defendants' Motion for a Preliminary Injunction and in Support of Plaintiff's Cross-Application to Stay or Vacate the Temporary Restraining Order or, in the Alternative, for Defendants to Post an Undertaking.

3. Attached hereto as **Exhibit A** is a true and correct copy of the Determination that a Public Health Emergency Exists issued by Alex M. Azar II, Secretary of the U.S. Department

of Health and Human Services, pursuant to Section 319 of the Public Health Services Act, 42 U.S.C. § 247d, on January 31, 2020.

4. Attached hereto as **Exhibit B** is a true and correct copy of a press release issued by the CDC on February 26, 2020, entitled “CDC Confirms Possible Instance of Community Spread of COVID-19 in U.S.,” as downloaded from the CDC’s website.

5. Attached hereto as **Exhibit C** is a true and correct copy of the Opening Remarks of the Director-General of the World Health Organization from the media briefing on March 11, 2020, as accessed on August 25, 2020 at <https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020>.

6. Attached hereto as **Exhibit D** is a true and correct copy of Defendants’ Order to Show Cause submitted to the Appellate Division of the Supreme Court of the State of New York, Fourth Judicial Department, on July 20, 2020.

7. Attached hereto as **Exhibit E** is a true and correct copy of Defendants’ Memorandum of Law in Support of Their Emergency Application for Interim Stay and to Modify, Limit, Vacate or Stay the Preliminary Injunction submitted to the Appellate Division of the Supreme Court of the State of New York, Fourth Judicial Department, on July 20, 2020.

8. Attached hereto as **Exhibit F** is a true and correct copy of the letter dated July 24, 2020 from Ivan E. Lee, Principal Appellate Court Attorney, informing the parties that the Honorable Nancy E. Smith declined to sign Defendants’ Order to Show Cause.

9. Attached hereto as **Exhibit G** is a true and correct copy of the e-mail that I sent to Defendants’ counsel, Anthony Dougherty and Jonathan E. Temchin, on August 18, 2020.

10. Attached hereto as **Exhibit H** is a true and correct copy of the e-mail that I received from Anthony Dougherty on August 19, 2020.

11. Attached hereto as **Exhibit I** is a true and correct copy of the e-mail that I sent to Defendants' counsel, Anthony Dougherty and Jonathan E. Temchin, on August 20, 2020.

12. Attached hereto as **Exhibit J** is a true and correct copy of the amended judgment of conviction in *United States v. Roys Poyiadjis*, No. 01 Crim. 1177 (LTS) (S.D.N.Y.), as downloaded from the Court's electronic docket, which reflects that Mr. Poyiadjis pleaded guilty to one count of Conspiracy to commit securities fraud, mail fraud, and wire fraud.

13. Attached hereto as **Exhibit K** is a true and correct copy of the temporary restraining order entered on August 14, 2020, that this application seeks to vacate, stay, or modify.

14. No prior application for the relief sought herein has been made to this Court or to any other court of competent jurisdiction, except that Plaintiff appeared telephonically at the presentment of Defendants' Order to Show Cause and the Court signed Defendants' Order to Show Cause.

15. Prior to presenting the attached Order to Show Cause, I gave notice and a copy of the papers upon which it is made to opposing counsel.

Dated: Scarsdale, New York
August 26, 2020

By: Aaron Marks
Aaron Marks, P.C.

CERTIFICATE OF LENGTH OF PAPERS COMPLIANCE

The attached Affidavit of Byron Blount is compliant to Rule 17 of section 202.70 of the Uniform Rules for the Supreme Court and County Court because it contains fewer than 7,000 words, excluding parts of the affidavit otherwise exempted.

Aaron Marks

Aaron Marks, P.C.